

# Exhibit 8

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

BONGO PRODUCTIONS, LLC, ROBERT	)	
BERNSTEIN, SANCTUARY PERFORMING	)	
ARTS LLC, and KYE SAYERS,	)	
	)	
Plaintiffs,	)	
	)	NO. 3:32-cv-00490
VS.	)	
	)	JUDGE TRAUGER
CARTER LAWRENCE, Tennessee State	)	
Fire Marshal, in his official	)	
capacity, CHRISTOPHER BAINBRIDGE,	)	
Director of Codes Enforcement, in	)	
his official capacity, GLENN R.	)	
FUNK, District Attorney General for	)	
the 20th Judicial District, in his	)	
official capacity, and NEAL	)	
PINKSTON, District Attorney General	)	
for 11th Judicial District, in his	)	
official capacity,	)	
	)	
Defendants.	)	

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WEB CONFERENCE/REMOTE DEPOSITION OF  
**OFFICE OF THE TENNESSEE FIRE MARSHAL AND  
OFFICES OF THE DISTRICT ATTORNEYS GENERAL**  
**By and Through: Joyce Leigh Ferguson**

December 20, 2021



LYNETTE L. MUELLER, LCR, RDR, CRR, FAPR  
LCR No. 351

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1           The web conference/remote deposition of  
2 OFFICE OF THE TENNESSEE FIRE MARSHAL AND OFFICES OF THE  
3 DISTRICT ATTORNEYS GENERAL, By and Through: Joyce Leigh  
4 Ferguson, is taken on December 20, 2021, on behalf of  
5 the Plaintiffs, pursuant to notice and consent of  
6 counsel, beginning at approximately 10:11 a.m.

7           This web conference/remote deposition is  
8 taken pursuant to the terms and provisions of the  
9 Federal Rules of Civil Procedure.

10          The right to read and sign was requested.  
11  
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A P P E A R A N C E S

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I N D E X

**JOYCE LEIGH FERGUSON:**

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Examination by Ms. Picasso

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E X H I B I T S

NO.

DESCRIPTION

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Exhibit 1      Plaintiffs' Notice of Rule  
30(b)(6) Deposition

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Exhibit 2      Public Chapter 453, House Bill  
No. 1182

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Exhibit 3      Responses to Plaintiffs' First  
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1                   OFFICE OF THE TENNESSEE FIRE MARSHAL AND  
2                   OFFICES OF THE DISTRICT ATTORNEYS GENERAL

3                   By and Through: Joyce Leigh Ferguson,  
4                   having been first duly sworn, was examined and  
5                   testified as follows:

6                   EXAMINATION

7                   BY MS. PICASSO:

8                   Q.           Good morning, Ms. Ferguson. Thank you so much  
9                   for taking the time to speak with us today.

10                  So can I just start by asking you to state  
11                  your full name and spell it, if you wouldn't mind, just  
12                  to have it on the record. Thanks.

13                  A.           Full legal name is Joyce Leigh Ferguson. I go  
14                  by Leigh Ferguson. L-E-I-G-H F-E-R-G-U-S-O-N.

15                  Q.           Thank you.

16                  And have you ever been deposed before?

17                  A.           No.

18                  Q.           Okay. So I'm going to just give you some  
19                  general information; lay out some ground rules about  
20                  how to, you know, respond and things. And so if you  
21                  have any questions, you can just let me know.

22                  But generally, you know, we're looking for  
23                  clear, verbal responses to the questions. And if you  
24                  wouldn't mind, just let me finish asking questions  
25                  before you respond. And that way, we can let the court

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1 going to use the term "Tennessee Building Code." Thank  
2 you for the -- thank you for the correction.

3 A. If not, I may need to clarify another answer  
4 earlier that I can answer these questions.  
5 Building Code.

6 Q. Yes. No. Absolutely.

7 So I will refer to the "Tennessee  
8 Building Code."

9 So, generally speaking, can you tell me how  
10 the Tennessee Building Code, the provisions are  
11 enforced. So we can start from just, you know, the  
12 beginning a business is created and wants to start --  
13 or open a building or facility to the public. And so  
14 what would be -- at what point would the SFMO be  
15 involved in that process?

16 A. Okay. I'll answer this question initially for  
17 a business that's in the jurisdiction where we have the  
18 authority having jurisdiction.

19 So our office has the authority, by  
20 statute, to adopt and enforce a Building Code. That  
21 process is done by rule. So our rules set forth which  
22 codes apply. Those codes apply regardless of whether  
23 our office does any plans review or inspections.

24 So there are some buildings in our  
25 jurisdiction that we don't inspect or do plans review

1 for, because they don't meet a threshold requiring that  
2 additional review. So generally, for schools, jails,  
3 places of assembly over 300, that's when we're going to  
4 become involved to do a plans review and, then, in  
5 construction inspection. We do not --

6 Q. Okay. And when -- sorry.

7 A. I was just going to say: We do not inspect  
8 every building that's constructed in our jurisdiction.

9 Q. Okay. And thank you.

10 And when you say a "plans review," could  
11 you explain to me what a "plans review" is.

12 A. So for those -- for example, schools, jails,  
13 or places of assembly over 200, they are required to  
14 have architects draw and submit sealed plans to our  
15 office for review. So when we say a  
16 plans review, we mean architectural plans.

17 So they look at things like sprinkler --  
18 fire sprinkler systems, means of egress, fire  
19 separation, things of that nature. Obviously that's  
20 not all that they're looking at, but those are some of  
21 the primary things they do look at.

22 Q. Okay. Thank you.

23 And would a plan -- would a plan that is  
24 submitted for plans review include a, for example,  
25 location of a restroom?



1 A. So the Plumbing Code --

2 Q. Yes.

3 A. -- has minimum requirements for plumbing  
4 fixtures based on the occupant load. My understanding  
5 is that it's simply a plumbing fixture based on the  
6 occupant load. However, if an assembly designates a  
7 facility -- never mind.

8 What's the question again?

9 Q. That the -- if a business were to submit a  
10 plan for a plan review, would that plan generally  
11 include the existence or location of restrooms?

12 A. To ensure that the building complied with the  
13 plumbing -- the minimum fixture plumbing requirements  
14 in the Plumbing Code, yes.

15 Q. Okay. Thank you.

16 And so, again, just talking about the  
17 buildings that would have to submit a plan, which I  
18 heard you limit that, so just talking about those  
19 businesses.

20 Once a plan is submitted and reviewed and  
21 what -- would the Agency then issue a license? Like,  
22 what would be the next step in that process once a plan  
23 has been reviewed?

24 A. So after the minimum requirements established  
25 by rule for the plan review have been met, they

1 would -- I believe they issue a letter saying it's been  
2 approved. That -- the commercial -- the  
3 Code Enforcements section doesn't issue permits. So it  
4 wouldn't necessarily be a permit. It would be an  
5 approval letter for the plan, and that would allow them  
6 to begin construction.

7 Q. Okay. And -- okay.

8 So would a -- would a business be required  
9 to seek a permit through SFMO? Or is that a separate  
10 agency that handles requests for permits to operate a  
11 building?

12 A. So a local jurisdiction would be able to  
13 provide that, if their local rules require it.

14 Q. Okay. So once the letter approving a plan is  
15 sent and the building -- and the business begins  
16 construction of the building, at what point after that  
17 would SFMO be involved again prior to opening to the  
18 public?

19 A. So there are -- there would be periodic  
20 inspections, construction inspections, and likely  
21 electrical inspections.

22 Q. Okay. And who would conduct those  
23 inspections?

24 A. The authority having jurisdiction. So for  
25 buildings in the State Fire Marshal's jurisdiction, it

1 would be inspectors employed by the Codes Enforcement  
2 Division.

3 Q. Okay. And approximately how many code  
4 enforcer inspectors are there?

5 A. I don't know. I work with, primarily, the  
6 manager. So I don't know that number.

7 Q. Okay. Great.

8 So there would be construction inspections  
9 throughout -- would it just be one construction  
10 inspection that occurs while construction is happening?  
11 Or would there be multiple construction inspections?

12 A. There's usually multiple.

13 Q. Okay. And then once construction has been  
14 completed, would there be another inspection that  
15 occurs prior to opening to the public?

16 A. A final inspection is required before a  
17 Certificate of Occupancy is issued, and that is what  
18 gives permission to open.

19 Q. Okay. So the Certificate of Occupancy is what  
20 gives a building permission to open to the public?

21 A. Yes.

22 Q. Okay. And --

23 A. From a Building Code perspective.

24 Q. I'm sorry?

25 A. From a Building Code perspective. There might

1 be local rules that --

2 Q. Right.

3 A. Okay.

4 Q. Great. That makes sense. Thank you.

5 And those local -- so that is -- yeah.

6 So this is from the state agency? And  
7 there would be additional requirements from local --  
8 from local governments as well?

9 A. There may be. I just can't speak to that.

10 Q. Okay. So once the -- once a business has  
11 received a Certificate of Occupancy for a building,  
12 would SFMO come in again to conduct additional  
13 inspections after opening?

14 A. Only if we receive a complaint.

15 Q. Okay. So there would not be continued  
16 periodic inspections, other than in response to a  
17 complaint?

18 A. Only schools and jails receive annual  
19 inspections.

20 Q. Okay.

21 A. Commercial occupancies do not.

22 Q. Okay. And other buildings -- privately  
23 operated buildings with occupancy over 300 people,  
24 those would not receive periodic inspections, other  
25 than those in response to a complaint?

1 we adopt.

2 Q. Okay. So thank you for that response.

3 And I'd like to ask you a little bit about  
4 complaints at this point. So you mentioned that SFMO  
5 or its agents would conduct some sort of inspection in  
6 response to a complaint; is that correct?

7 A. If the complaint is within our jurisdiction,  
8 yes, we would conduct an inspection.

9 Q. And by "within your jurisdiction," do you mean  
10 geographical jurisdiction or legal jurisdiction?

11 A. So the Code jurisdiction, if we are the  
12 authority having jurisdiction. If we are not the  
13 authority having jurisdiction, we would refer it to the  
14 jurisdiction that is.

15 Q. Okay. And are there instances in which there  
16 would be multiple agencies or governments that have  
17 jurisdiction over a particular building and/or  
18 building -- Building Code provision?

19 A. The statute sets forth that there is  
20 concurrent jurisdiction. However, the practice of the  
21 office has been not to -- to allow the locals, if they  
22 are an exempt jurisdiction, to be the primary  
23 enforcement authority, unless there is a conflict. And  
24 then the State Fire Marshal would help resolve that  
25 conflict.

1 risk of hazard from fire.

2 Q. Okay. Thank you.

3 And are there other provisions beyond --  
4 strike that, please.

5 Would there be other types of violations of  
6 provisions of the Tennessee Building Code, other than  
7 those that pose a risk of fire or serious hazard from  
8 fire, that as a matter of practice the Agency would  
9 pursue if a local jurisdiction or some other government  
10 entity that shares jurisdiction chose not to pursue  
11 enforcement?

12 MR. RIEGER: I would object to the form of the  
13 question.

14 But go ahead and answer, please.

15 A. So that's really getting into a policy  
16 question, and I'm not the one that makes those policy  
17 determinations. There are -- there are provisions in  
18 the state -- in the statute that require notice of a  
19 violation, but it doesn't necessarily require immediate  
20 action. I think that's my -- that's -- period.

21 Q. Okay. Thank you.

22 And when you say "notice of a violation,"  
23 is that -- is that notice to -- who is that notice  
24 directed to and who would send that notice?

25 A. So it would depend on the violation. There

1 are provisions that require notice to be sent to the  
2 property owner and, then, there is a requirement if the  
3 State Fire Marshal's office determines that the exempt  
4 jurisdiction is not enforcing the Building Code, that  
5 we would provide notice to the exempt jurisdiction that  
6 we are aware of a provision that they are not  
7 enforcing.

8 Q. Thank you.

9 And you mentioned just briefly, I think a  
10 couple responses ago, that -- the question I asked was  
11 a little bit difficult to answer because it's a policy  
12 question and you aren't involved in the policymaking in  
13 that -- in that area.

14 And so I'm just wondering: Can you  
15 identify who would be involved in making those policy  
16 decisions.

17 A. So I'm involved, but I'm not the one that  
18 makes the final policy decision. As the State  
19 Fire Marshal, it is -- the Commissioner and his  
20 designees make those policy decisions. I just advise  
21 on the legal implications and what the state law  
22 allows.

23 Q. Thank you.

24 Okay. So going back to the complaint  
25 process. Who would be making such a complaint?

1 A. The statute allows any person to make a  
2 complaint in writing.

3 Q. Okay. And that complaint, to whom would that  
4 complaint be submitted?

5 A. Anyone in the office.

6 Q. Apologies. Let me clarify.

7 To which office or department or government  
8 entity would such a complaint be filed?

9 A. So we have a generic email account. We  
10 receive complaints through that. We receive complaints  
11 through the Commissioner's suite. We receive  
12 complaints to the Governor's office. We receive  
13 complaints to individual inspectors. And then other  
14 state agencies or local governments will send us  
15 complaints.

16 Q. Okay. Thank you.

17 Okay. So once SFMO receives a complaint on  
18 a matter that it will be moving forward with, I guess,  
19 exercising its jurisdiction and enforcing the  
20 provision, what would -- what would be the first step  
21 in enforcing that provision?

22 A. Usually the first step would be that an  
23 inspector would go to the location where the complaint  
24 is alleging a code violation and they would conduct  
25 what we call a safety inspection.



1 Q. And what does a safety inspection involve?

2 A. When an inspector conducts a safety  
3 inspection, they're primarily looking to the  
4 allegations made in the complaint for a life safety  
5 hazard or code violation. In addition to the  
6 allegations made in the complaint, if there's any  
7 visible life safety hazard, they also address that.

8 Q. Okay. And when you say they "address that,"  
9 would you mind explaining what you mean by "addressing  
10 that."

11 A. So it would depend on the violation. For  
12 example -- do you need a for example?

13 Q. Yes, please. I was about to ask: Could you  
14 provide an example? So thank you.

15 A. The easiest example is, like, double doors.  
16 If an inspector were to go to a facility and the double  
17 doors are chained, they would note in the inspection  
18 report that that was a violation. However, they would  
19 also require the property owner at that moment to  
20 unlock those doors because it is such a serious  
21 violation and poses such a serious risk to the  
22 occupants of the building, that that's how something  
23 like that would be addressed.

24 Something that would not be as serious  
25 would simply be noted on an inspection report and the

1 owner would be required at whatever time frame the  
2 inspector allows to fix it. So the remedy obviously  
3 depends on the nature of the violation.

4 Q. Okay. And do inspectors receive any type of  
5 guidance, information, or training on how to determine  
6 which violations are serious and require immediate  
7 response or -- versus those that would be responded to  
8 in some other form?

9 A. Yes.

10 Q. And what -- so, I guess, let me break that  
11 down.

12 Do they receive guidance as to that  
13 information?

14 A. Yes.

15 Q. Okay. And what form does that guidance take?

16 A. So it will depend on the issue. Sometimes  
17 it's just in a staff meeting. And sometimes our office  
18 issues formal guidance not only to inspectors but to  
19 the general public.

20 Q. Okay. And the staff meeting, who would be --  
21 is that all the staff of SFMO or particular people  
22 within SFMO?

23 A. Most likely, the Codes Enforcement Division,  
24 the inspectors within that group.

25 Q. Okay. And would the inspectors also receive

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1 distribution during trainings for inspectors -- either  
2 new inspectors who have just joined or ongoing  
3 trainings that inspectors may receive?

4 A. So if a training is provided that requires a  
5 publication, then they would maintain that document.  
6 So if it's being provided to any members of the public  
7 or like a presentation at a meeting, that would be  
8 maintained.

9 Q. Okay. Thank you.

10 Okay. So we -- once an inspector -- I'd  
11 like to go -- sorry. I'd like to go back.

12 We were going through the process of  
13 responding to a complaint that has been filed. So once  
14 an inspector visits the site of the alleged violation  
15 and makes a determination about whether a violation is  
16 more serious and requires immediate response or less  
17 serious, if the inspector determines that it is a  
18 less -- or less serious violation, what would be the  
19 next step in responding to that violation?

20 A. An inspection is completed. And if a  
21 violation is discovered, the inspection form asks for a  
22 Plan of Corrective Action, or a PoCA. And the  
23 inspector will set a deadline by which the property  
24 owner must make the identified corrections.

25 Q. Okay. And, actually, I have one more question

1 role as attorney for the State Fire Marshal's office,  
2 we are from time to time asked to just review  
3 legislation that's been filed.

4 Q. Okay. And that -- and would it be the -- who  
5 would ask the -- not the individual -- but, like, what  
6 official would ask the Legal Department to conduct a  
7 bill analysis?

8 A. So we receive assignments from our legislative  
9 team.

10 Q. Okay. And I'd like to ask who -- or which  
11 officials are members of the legislative team.

12 A. So Alex Lewis is the Assistant Commissioner  
13 and then Shiri Anderson, Graham Tudor -- this is  
14 embarrassing. I forgot her name. Candice Dawkins.  
15 She's not my contact.

16 Q. Okay.

17 A. I forgot her name.

18 Q. Okay. Thank you.

19 And -- okay. Thank you.

20 So can I ask what state interest does this  
21 Act serve?

22 MR. RIEGER: I'll object to the form of the  
23 question.

24 Go ahead and answer, to the extent you can.

25 A. The state interest that this Act serves is a

1 notice interest, providing people who may be using  
2 facilities where there is a reasonable expectation of  
3 privacy what they may encounter.

4 Q. Okay. And when you say "notice interest," are  
5 you aware of other provisions of the Tennessee  
6 Building Code that further a notice interest?

7 MR. RIEGER: Object to the form of the  
8 question.

9 Go ahead and answer.

10 THE WITNESS: Okay.

11 A. There are requirements for, like, exit signs  
12 that would provide notice for individuals in the event  
13 of an emergency. There are general -- I think that's  
14 probably the most obvious one, is that exit sign  
15 requirement.

16 Q. Okay. And are there -- so sticking with the  
17 example of exit signs.

18 Are there other interests that --  
19 provisions of the Tennessee Building Code that require  
20 exit signs serve?

21 MR. RIEGER: Object to the form of the  
22 question.

23 Go ahead and answer.

24 A. Again, earlier when I talked about the concern  
25 regarding the hazards for life and safety as they

1 notice interest?

2 MR. RIEGER: Object to the form of the  
3 question.

4 Go ahead.

5 A. I cannot. But not -- I cannot identify one,  
6 simply because I have not reviewed the statutes to  
7 address that question.

8 Q. Okay. Thank you.

9 Okay. So now I'm going to ask you about  
10 some of the language in the -- in the Act itself.

11 So under Section 1, Subsection (a), there's  
12 a paragraph that begins, "a public or private entity or  
13 business . . ." Do you see that paragraph?

14 A. Yes.

15 Q. Okay. Would you mind just reviewing it  
16 briefly and, then, I'm going to ask you some questions  
17 just about Subsection (a).

18 A. (Witness reviewing document.)

19 All right.

20 Q. Okay. Could you please define the phrase  
21 "biological sex" as used in this provision of the Act.

22 MR. RIEGER: Object to the form of the  
23 question.

24 Go ahead.

25 A. The statute does not define "biological sex."

1 So as far as statutory interpretation goes, you would  
2 consider the plain meaning of that text.

3 Q. Okay. And what is the plain meaning of  
4 "biological sex"?

5 A. It would simply be the ordinary understanding  
6 of "biology" and "sex."

7 Q. Okay. Would you mind -- could you please  
8 provide the ordinary meaning of "biology" and "sex."

9 MR. RIEGER: Object to the form of the  
10 question.

11 Go ahead.

12 A. So I would -- I would understand "biology" to  
13 be the body, the being; and then "sex" to be either  
14 male or female.

15 Q. Okay. And when you say "the body," are you  
16 referring exclusively to physical -- the physical  
17 outward presentation of the body?

18 MR. RIEGER: Object to the form of the  
19 question.

20 Go ahead.

21 A. I went to law school. I am not a scientist.  
22 My understanding of "biology" is that it could be the  
23 outward -- that is a component; but I cannot speak to  
24 the technical term with a scientific understanding. Or  
25 I couldn't -- nor could I interpret that. That would

1 being for a judge to decide.

2 Q. Okay. And does SFMO or the Department of  
3 Commerce and Insurance provide guidance to inspectors  
4 about how to interpret "biological sex"?

5 A. So we have been enjoined from enforcing the  
6 Act. So there has been no need to provide any guidance  
7 to the inspectors regarding that phrase.

8 Q. Oh. Sorry. I thought somebody was saying  
9 something.

10 So I'd like to get a sense of how an  
11 inspector, if the law were not enjoined, would go about  
12 enforcing the provisions and recognizing whether a  
13 violation of the Act has occurred. And so would an  
14 inspector -- what information or knowledge would an  
15 inspector be expected to rely on in order to identify  
16 if a violation of this Act has occurred?

17 MR. RIEGER: Object to the form of the  
18 question.

19 Go ahead and answer, please.

20 A. The statute places the burden of making that  
21 determination on the entity or the business and not the  
22 inspector.

23 Q. Okay. And are you aware of any instances,  
24 besides this Act, in which the individual business  
25 owner or building operator is relied upon to determine



1 that determination on the entity and not the State Fire  
2 Marshal's office. The State Fire Marshal does  
3 understand "sex" to include male and female, as we  
4 discussed in the Plumbing Code with water fixtures if a  
5 facility elects to have separate facilities. That's  
6 how the State Fire Marshal's office would need to  
7 understand "biological sex" as a term.

8 Q. Okay. And if SFMO -- were the Act not -- were  
9 SFMO not enjoined from enforcing the Act, were SFMO or  
10 the Department to receive a complaint alleging a  
11 violation of the Act, how would SFMO proceed with  
12 investigating the merits of that complaint?

13 MR. RIEGER: Object to the form of the  
14 question.

15 Go ahead and answer.

16 A. So like any complaint, the complaint -- I  
17 don't know that it's called a Complaint Coordinator --  
18 but the person responsible for reviewing the complaint  
19 would determine if we were the authority having  
20 jurisdiction. If we were, it would be sent to an  
21 inspector to schedule an inspection. If we were not  
22 the authority having jurisdiction, we would send it to  
23 the exempt jurisdiction for them to inspect.

24 If an inspection were conducted and they  
25 determined that there -- they would look to see whether

1     there was a sign or whether there was not a sign. We  
2     would send the inspection report to the property owner,  
3     reporting the results of the inspection. And, again,  
4     the statute puts the burden on the business owner to  
5     either post a sign if they have a policy that allows a  
6     member of either biological sex to use the public  
7     restroom. If they do not have that policy, they are  
8     not required to post that sign. So we would notify  
9     them of the statute and give them a time frame in which  
10    to contact our office to report compliance with the  
11    statute.

12   Q.           Okay. Is there anyone within -- any official  
13   or agent within SFMO or the Department who is capable  
14   of receiving inquiries from business owners who operate  
15   buildings about how to interpret the term "biological  
16   sex" as it is included in this provision of the Act?

17               MR. RIEGER: Object to the form of the  
18   question.

19               Go ahead and answer.

20   A.           Our office would likely encourage the public  
21   or private entity to consult with their consultants to  
22   determine whether they have a policy that requires  
23   posting that notice and that it would not be our  
24   office's position to opine on whether a business needs  
25   that policy. That would be on them.

1 Q. Okay. Let me clarify.

2 Not whether they are -- I'd like to clarify  
3 that I'm not asking whether there would be somebody at  
4 SFMO or the Department who would opine on whether a  
5 business owner should or, you know, must have a policy  
6 based on the Agency's interpretation of biological sex,  
7 but whether there would be somebody to provide guidance  
8 or information to business owners about how to comply  
9 with this Act and specifically by providing information  
10 about the definition of "biological sex."

11 MR. RIEGER: Object to the form of the  
12 question.

13 Go ahead and answer.

14 A. I think in this instance we would provide them  
15 with the statute and rely -- ask them to rely on the  
16 plain meaning of the text, as we are. And if they have  
17 further questions, they should contact the people that  
18 are either on their staff or that they can hire to  
19 answer any more specific questions.

20 Q. Are you aware of any other provisions of the  
21 Tennessee Building Code, the International Plumbing  
22 Code as adopted by Tennessee, or the International  
23 Business Code {sic} as adopted by Tennessee in which a  
24 business owner who seeks to comply with the provisions  
25 of the law would be instructed to determine their own

1           MR. RIEGER: Object to the form of the  
2 question.

3           Go ahead and answer.

4           A.           So what we have done in the past is if there's  
5 a question, we would say -- we would need for the  
6 person asking whether they need to be licensed to show  
7 us why they're -- usually it's they're asking not to be  
8 licensed. And so we have asked that person to say why  
9 that explosive that they're using isn't one of the  
10 defined. And it's usually there's a defined term,  
11 which is not the case in this statute. But we ask them  
12 to show why it's not a thing that we regulate.

13                       So it's not an exact comparison. But, yes,  
14 there are instances where we rely on other people to  
15 define or to explain if what they're doing is a  
16 violation of the statute.

17           Q.           And in that instance, would an assurance from  
18 the subject of the investigation be sufficient? Or  
19 would SFMO seek information and guidance elsewhere?

20           MR. RIEGER: Object to the form of the  
21 question.

22           Go ahead and answer.

23           A.           It likely would be sufficient, because we  
24 recognize that there are other parties that are  
25 interested in regulating. And I believe it is a crime

1 to submit -- to knowingly submit false information to a  
2 state agency. So we do rely, a certain degree, on a  
3 licensee or a member of the public's truthfulness in  
4 dealing with the state agency.

5 We always have the ability, if -- if we  
6 receive a complaint or if something happens, to go back  
7 and question that person and then we have documentation  
8 that they have submitted -- potentially submitted false  
9 information to a state agency in a regulatory context.

10 But, no, we don't have a separate  
11 enforcement agency that verifies every assurance that  
12 is made to either the State Fire Marshal's office or  
13 the Department.

14 Q. Okay. And how is -- how does the Department  
15 or SFMO, how do they make a determination about whether  
16 a statement made by the -- by the business owner was a  
17 false statement?

18 MR. RIEGER: Object to the form of the  
19 question.

20 Go ahead and answer.

21 A. The most public example that I can recall is  
22 we had an applicant who was trying to become licensed  
23 as an explosives -- a blaster, and the form -- this was  
24 before the Fresh Start Act. So the form asked if the  
25 person was -- had ever been convicted of a felony. The

1 Q. Yes. So is it SFMO's position that the way  
2 that an inspector determines if a business is required  
3 to post the sign mandated by the Act, is by seeing  
4 whether the sign that is mandated by the Act has been  
5 posted?

6 A. Yes.

7 MR. RIEGER: I'll object to the form of the  
8 question.

9 MS. PICASSO: Okay.

10 MR. RIEGER: But the answer stands.

11 MS. PICASSO: Thank you.

12 Q. (BY MS. PICASSO) And are there any other  
13 ways, besides the posting of the mandated sign, that an  
14 inspector or any official from SFMO or the Department  
15 can determine whether a business is required to post  
16 the sign?

17 MR. RIEGER: Object to the form of the  
18 question.

19 Go ahead and answer.

20 A. I guess the only other way would be if the  
21 property owner or the business owner said -- told the  
22 inspector they had a policy.

23 Q. Okay. Okay.

24 So based on SFMO's interpretation of the  
25 Act, is a business required to post a -- to post this

1 mandated sign solely because it allows transgender  
2 people to use the restroom that aligns with their  
3 gender identity?

4 MR. RIEGER: Object to the form of the  
5 question.

6 Go ahead and answer.

7 A. I'm going to have to ask you to repeat the  
8 question.

9 Q. Okay. So is it SFMO's position that -- and  
10 interpretation of the Act that a business is required  
11 to post the sign mandated by the Act solely because it  
12 allows transgender people to use the restroom that  
13 aligns with their gender identity?

14 MR. RIEGER: Object to the form -- same  
15 objection.

16 Go ahead.

17 A. So the State Fire Marshal's position is  
18 limited to the text of the Act. The -- it is clear,  
19 from the definition of "public restroom," that they are  
20 addressing facilities open to the general public,  
21 designated for a specific biological sex in a facility  
22 or area where a person would have a reasonable  
23 expectation of privacy.

24 So the State Fire Marshal's office position  
25 is that the notice is required in areas where a person

1 has a reasonable expectation of privacy to have notice  
2 as to which biological sex will be using that facility.  
3 Q. Okay. So an inspector -- for example, if  
4 SFMO -- an SFMO inspector were at a building inspecting  
5 a violation completely unrelated to this Act and  
6 witnessed a transgender woman entering the women's  
7 restroom, would that -- and witnessing that there was  
8 no sign as mandated by this Act, would that inspector  
9 be able to note that as a potential violation of the  
10 Act, at least warranting further investigation?

11 MR. RIEGER: Object to the form of the  
12 question.

13 Go ahead and answer.

14 A. So the inspector would have to -- if the  
15 inspector were at the facility and inspecting an  
16 allegation or an alleged code violation that didn't  
17 address the Act, the only other -- the only other items  
18 that they are -- the only other items that they are to  
19 note in their inspection report are serious life safety  
20 hazards or violations that they see on their way to  
21 conduct that inspection of the underlying allegation.

22 So I -- it would be likely that -- well, I  
23 can't say that.

24 I do not know how the inspector would  
25 note -- you said a transgender woman using a women's



1    restroom?

2    Q.           Yes.

3    A.           I do not know how that would be -- can you ask  
4    a clarifying question?

5    Q.           Yes.    Okay.

6                        So if SFMO is made aware, either through a  
7    complaint or an inspection, that a business that is  
8    open to the public and subject to the Act is permitting  
9    transgender -- let's just stick with a transgender  
10   woman -- to use the women's restroom, would SFMO or the  
11   Department see that as a potential violation that at  
12   least warrants further investigation?

13                   MR. RIEGER:   Object to the form of the  
14   question.

15                   Go ahead and answer.

16   A.           So if the sole allegation in the complaint is  
17   a violation of this Act, our department would send --  
18   would likely send a notice to the property owner that  
19   we received the complaint and that they had 30 days to  
20   notify us if they were in compliance with the Act.

21   Q.           Okay.   And in this example, if a business  
22   owner responded to that notice and said, "My business  
23   will continue to allow transgender people to use the  
24   restroom that corresponds with their gender  
25   identity" -- full stop -- what steps, if any, would

1 SFMO take in response to that?

2 MR. RIEGER: Object to the form of the  
3 question.

4 Go ahead and answer.

5 A. So the other remedies that set forth action  
6 the Fire Marshal's office can take in Title 68 are  
7 limited to -- most of the other remedies are limited to  
8 the hazards from fire. Our office does not consider  
9 the violation of the Act to present a hazard from fire.

10 So there is the general provision that a  
11 violation of the Chapter is a Class B misdemeanor. And  
12 so as we have done with other violations that either  
13 did not constitute a violation that presented a fire  
14 hazard or issues that we have -- we have not been able  
15 to obtain compliance through our actions, we would  
16 refer it to the local District Attorney for them to  
17 review.

18 Q. Okay. Is there any statutory or regulatory  
19 provision that prevents SFMO from taking further  
20 enforcement action in that situation, even if there is  
21 no presence of life or safety hazards?

22 A. That prevents the Fire Marshal?

23 Q. Uh-huh.

24 A. So I believe -- I'm reviewing the  
25 interrogatory, because I think we addressed this there.

1 (Witness reviewing document.)

2 Yeah. The response to Interrogatory 4  
3 provides that any person who violates a provision of  
4 the Chapter commits a Class B misdemeanor. And so our  
5 office does not interpret that to mean any private  
6 person. We hold ourselves to the same standard.

7 Q. I'm sorry. Could you -- could you repeat  
8 that?

9 A. So you were saying if there -- you were  
10 asking -- I guess, restate the question so I can make  
11 sure I'm answering it.

12 Q. So what I'm asking is: Is there any statutory  
13 or regulatory provision that would prevent SFMO from  
14 further -- taking any further enforcement action in  
15 response to the hypothetical that I posed earlier,  
16 other than as a general practice SFMO will only  
17 usually, you know, proceed with enforcement where  
18 there's a life or safety hazard?

19 MR. RIEGER: I will object to the form there.

20 But go ahead and answer.

21 A. So we're obviously limited by our statutory  
22 authority, the jurisdiction that we're given by the  
23 General Assembly. And so some of the remedies that are  
24 set forth in our enabling statutes do restrict how we  
25 can use that authority. So those statutes would

1 prevent us from taking action, if a violation of the  
2 Act didn't meet those standards.

3                   However, because of Tennessee Code  
4 Annotated 68-120-108, application of the Building Code  
5 is not arbitrary and that any person who violates that  
6 provision would commit a Class B misdemeanor. So we  
7 are bound by the statute, just as the business owners  
8 are bound by the statute.

9 Q.           Okay. So is it SFMO's position that they lack  
10 the statutory authority to further -- to enforce the  
11 provisions of this Act beyond the issuance of a Notice  
12 of Compliance?

13                   MR. RIEGER: Object to the form.

14                   Go ahead.

15 A.           So the State Fire Marshal's office -- yes.

16 Q.           Okay. Thank you.

17                   Okay.

18                   MS. PICASSO: Why don't we -- is it all right  
19 if we take five? I have to use the restroom. Like,  
20 I'm drinking a lot of water over here. Is that all  
21 right with you? We could take five.

22                   MR. RIEGER: That's fine.

23                   MS. PICASSO: Okay.

24                   MR. CASTELLI: Do you want to maybe do ten,  
25 come back at 10:15 --

1                   So are you aware of any incidents in which  
2 an individual filed a complaint with the Tennessee  
3 Department of Commerce and Insurance or with the SFMO  
4 relating to a transgender person using a restroom at a  
5 business open to the public?

6           A.           No.

7           Q.           Okay. And I just want to be clear. Is that  
8 information that you -- that you would be aware of,  
9 were it to exist?

10                   MR. RIEGER: Object to the form of the  
11 question.

12                   Go ahead and answer.

13           A.           So I do not review every complaint. I get  
14 questions if an inspector or if the person reviewing  
15 the complaints doesn't know where to send them. And so  
16 it would be likely that I would be aware of a  
17 complaint. Because until the Act passed, that was not  
18 something that our office was responsible for --

19           Q.           Okay.

20           A.           -- in our jurisdiction. I need to make that  
21 clear too.

22           Q.           Yes. Yes.

23                   And is a complaint filed by an individual  
24 required to cite to a specific provision of the  
25 Tennessee Building Code that they suspect is being

1 to have to -- I don't know the -- it's review of exempt  
2 jurisdictions, I think.

3 Q. Okay. And is that a rule that was issued by  
4 SFMO or the Department of Commerce and Insurance?

5 A. So our rules are promulgated by the  
6 Department, reviewed by the Governor's office, the  
7 Attorney General's office, and the General Assembly.

8 Q. Okay. So were enforcement of the Act not  
9 enjoined, would persistent noncompliance or  
10 non-enforcement of the Act by the exempt jurisdiction  
11 discovered during a routine audit be grounds for  
12 revoking that jurisdiction's exempt status?

13 MR. RIEGER: Object to the form of the  
14 question.

15 Go ahead and answer.

16 A. If the failure to enforce the Act were the  
17 only finding in the audit, an ALJ would have to make a  
18 determination that the exempt status would be revoked.  
19 However, as we stated, the authority is to enforce  
20 standards incident to the design, construction,  
21 alteration, and repair of buildings and structures.

22 And so an ALJ would just have to find that  
23 the violation of the Act meant that the exempt  
24 jurisdiction could not adequately perform those  
25 requirements. The state -- let me clarify.

1                   The State Fire Marshal's office doesn't  
2   revoke an exempt jurisdiction status. That's a hearing  
3   before an ALJ.

4   Q.           And would that hearing be initiated by either  
5   SFMO or the Department of Commerce and Insurance?

6   A.           Yes. We would file a notice of hearing and  
7   charges, but we would not make that determination.

8   Q.           Okay. And in filing that complaint and those  
9   charges to the ALJ's office, would SFMO or the  
10   Department be required to list the persistent  
11   violations that are the subject of the complaint?

12               MR. RIEGER: Object to the form of the  
13   question.

14               Go ahead and answer.

15   A.           The notice would require us to provide the  
16   exempt jurisdiction with notice as to why we were  
17   requesting the revocation of their exempt status. So  
18   we would have to provide notice of the alleged  
19   violation and, then, the Administrative Law Judge is a  
20   neutral party that would determine whether that  
21   justified revoking the exemption.

22   Q.           Okay. In an exempt jurisdiction, can SFMO  
23   still enforce the Building Code or are they prohibited  
24   from doing so by statute or regulation?

25               MR. RIEGER: Object to the form.

1                   Go ahead.

2           A.           The Building Code authority flows through the  
3 Commissioner of Commerce and Insurance. Again, if  
4 there's a conflict, it's up to the State Fire Marshal  
5 to resolve. And there is the provision in statute  
6 that locals -- or that we have concurrent jurisdiction.  
7 So we would not be prohibited.

8                   It's, I guess, a question of practice that  
9 I would leave to the Assistant Commissioner or  
10 Commissioner to make.

11          Q.           Okay. And if SFMO receives complaints of a  
12 specific type of -- a specific violation of the  
13 Tennessee Building Code, could that be a basis for SFMO  
14 to pursue enforcement of that provision without relying  
15 on the exempt jurisdiction to enforce it itself?

16                   MR. RIEGER: Object to the form.

17                   Go ahead.

18          A.           The practice of this office has been when --  
19 when possible, allow the local exempt jurisdiction to  
20 be the authority having jurisdiction. There are times  
21 when the local exempt jurisdiction either cannot handle  
22 something and they request help from our office. We  
23 will help them.

24                   Or if they -- there have been times when  
25 they have declined and asked us to pursue action



1 because they can't. We will take action. The State  
2 Fire Marshal's office, like every other state agency,  
3 has limited resources and cannot be the super enforcer  
4 for all exempt jurisdictions across the state.

5 There is some expectation that if an exempt  
6 jurisdiction is going to be an exempt jurisdiction,  
7 they need to be the -- they need to be the authority  
8 having jurisdiction.

9 Q. Okay. But there are no provisions of statute  
10 or regulation that prevents or prohibits SFMO from  
11 stepping in to enforce those provisions of the  
12 Building Code that are being -- that the exempt  
13 jurisdiction is refusing to enforce?

14 MR. RIEGER: Object to the form.

15 Go ahead.

16 A. Not to my knowledge.

17 Q. Okay. Thank you.

18 Oh. And you mentioned that Nashville --  
19 Metro Nashville is an exempt jurisdiction. Is that  
20 correct?

21 A. Yes.

22 Q. Okay. Is Chattanooga an exempt jurisdiction?

23 A. I believe so. I know Hamilton County is. I  
24 think Chattanooga is too.

25 Q. Okay. Thank you.

1                   And it reads: "Carter Lawrence,  
2 Commissioner, was contacted by Jim Brown, lobbyist for  
3 the National Federation of Independent Businesses,  
4 asking about the Department's plan for enforcement of  
5 the Act."

6                   And I'm wondering if you can tell me, when  
7 did that occur?

8 A.               That occurred in June of 2021.

9 Q.               Okay. Thank you.

10                  And did Commissioner Lawrence respond to  
11 the question?

12 A.               I was not there, so any information I have is  
13 a result of my position as an attorney with the  
14 Department.

15 Q.               Okay. And I think I know how you're going to  
16 answer this, but I'm going to ask anyway.

17                  What was his response?

18 A.               I do -- I cannot speak to his response.

19 Q.               Okay. I'd like to jump to Defendants'  
20 response to Plaintiffs' Interrogatory No. 11, which is  
21 on page 11, specifically the sentence that reads:  
22 "Defendants submit that the term 'biological sex'  
23 possesses an ordinary meaning for which no further  
24 elaboration is necessary."

25                  And I would just like to ask, specifically

1 in response to this: What the ordinary meaning of the  
2 term "biological sex" is that is referenced in this  
3 response?

4 MR. RIEGER: Object to the form.

5 Go ahead and answer.

6 A. So we went through this a little bit earlier.  
7 So "biological" would have the same -- the meaning of  
8 being, you know, the body, exterior and interior; and  
9 then "sex" would be either male or female.

10 Q. Okay. And so just to clarify. Earlier we  
11 hadn't distinguished, you know, interior or exterior  
12 body. And so I'm just now seeking clarification, that  
13 that internal and external components, are you -- are  
14 you suggesting that that is part of the ordinary  
15 meaning of the term "biological sex"?

16 MR. RIEGER: Object to the form.

17 Go ahead and answer, please.

18 A. Again, I limit my lack of scientific  
19 knowledge. I don't -- I think the ordinary meaning of  
20 "biological" is not just exterior.

21 Q. Okay. Is there anyone within SFMO or the  
22 Department of Commerce and Insurance with the requisite  
23 scientific knowledge to provide the ordinary meaning of  
24 the term "biological sex"?

25 MR. RIEGER: Object to the form.

1                   Go ahead and answer.

2       A.           So as we stated earlier, it is not necessary  
3       for the Department to interpret that, as it is not a  
4       defined term. You use your ordinary meaning. And the  
5       Act places the obligation to make that determination on  
6       the property owner, the business owner.

7       Q.           So a business owner is required to interpret  
8       the term "biological sex" despite the Act itself not  
9       providing a definition for "biological sex" within its  
10      provisions?

11               MR. RIEGER: Object to the form of the  
12      question.

13               Go ahead and answer.

14      A.           So the statute makes clear that it's the  
15      responsibility of the operator of the public or private  
16      entity or business to determine their policy as it  
17      relates to who may use the restrooms.

18      Q.           Okay. Would you agree that generally a term  
19      that has an ordinary meaning would also have a  
20      definition or be definable in some manner?

21               MR. RIEGER: Object to the form of the  
22      question.

23               Go ahead and answer.

24      A.           So I think words -- well, can you clarify your  
25      question?

1 Q. Yes. So I'm just trying to get a sense of  
2 what it means for a term to have an ordinary meaning as  
3 described -- or as referenced, rather, in Defendants'  
4 interrogatory -- in Defendants' response to Plaintiffs'  
5 Interrogatory No. 11.

6 MR. RIEGER: Object to the form.

7 Go ahead and answer.

8 A. So there are lots of words that are used in  
9 statutes that are not defined. In fact, it's --  
10 that's -- most statutory language is not comprised of  
11 defined terms. So it's -- it's common to use whatever  
12 ordinary meaning that we assign words, to assign those  
13 words to words in statutes that are not defined terms.

14 But, again, in this instance, it's not up  
15 to the State Fire Marshal's office to determine that  
16 definition. It's on the property owner.

17 Q. Okay. I understand that not all terms in  
18 statutory provisions are defined within -- within those  
19 statutes. What I'm trying to get a sense of is: What  
20 meaning is being ordinarily assigned to the term  
21 "biological sex" in order for the SFMO to even  
22 determine what the Act means?

23 MR. RIEGER: Object to the form.

24 Go ahead and answer.

25 A. So, again, the Fire Marshal's ability to

1 determine what the Act means and how a part -- a  
2 business property owner is or is not complying, in  
3 order for us to do that, we rely on the property owner  
4 and their policy to establish that. Beyond just  
5 saying, you know, there is -- I think it's  
6 unsatisfactory, but that's my answer.

7 Q. Okay. And can an entity owner or business  
8 owner say that "biological sex" has no meaning  
9 whatsoever and SFMO would be required to accept that  
10 business owner's interpretation of the phrase  
11 "biological sex" as it appears in the Act?

12 MR. RIEGER: Object to the form of the  
13 question.

14 Go ahead.

15 A. So my question to you would be: How would  
16 that -- can we walk through that?

17 Q. Yes. So you mentioned that SFMO, in enforcing  
18 this Act, would be relying exclusively on the building  
19 owner's interpretation of the phrase "biological sex"  
20 as it appears in the Act. And my question is: Should  
21 a business owner say the phrase "biological sex" has no  
22 meaning whatsoever and has no significance, would SFMO  
23 be required to accept that entity's interpretation of  
24 the phrase "biological sex" in that instance?

25 MR. RIEGER: Object to the form of the

1 question.

2 Go ahead and answer.

3 A. So I would presume that the plain meaning of  
4 the text, which says either biological sex, would  
5 be male or female, if the property owner basically --  
6 it sounds like you're saying the property owner is  
7 basically denying that the statute has any application?

8 Q. Or any meaning whatsoever.

9 A. So I think -- yeah, okay.

10 So I think what's going to -- what would  
11 happen is -- so you're asking what happens if a  
12 business owner is not going to comply with the statute  
13 because they're arguing that it doesn't have -- the  
14 term "biological sex" doesn't have a meaning? Is that  
15 what you're asking?

16 Q. Yes.

17 A. Okay. So normally in instances -- in any  
18 provision where a property owner refuses to comply with  
19 a statute that we are tasked with enforcing, we would  
20 refer it, if appropriate, to the local District  
21 Attorney for them to enforce.

22 Q. Would SFMO be prevented by any statute or  
23 regulation from taking further action -- any other  
24 further action besides forwarding it to the local  
25 prosecuting law enforcement agency?

1 MR. RIEGER: Object to the form.

2 Go ahead.

3 A. Prevent it from taking additional action?

4 Q. Yes.

5 A. Such as?

6 Q. Any action that -- any enforcement action  
7 whatsoever, other than forwarding it for further  
8 prosecution by the local DA.

9 A. So I -- the Act has been passed. It's a  
10 requirement passed by the General Assembly, put in the  
11 statute for our enforcement. Because Tennesseans have  
12 a reasonable expectation that statutes passed by the  
13 General Assembly should be enforced, that would be our  
14 course of action, to refer it.

15 Q. So is it your testimony today that SFMO's only  
16 recourse in that situation, no other recourse would be  
17 available other than to forward it to the local -- the  
18 local prosecutor for further -- for further  
19 prosecutorial enforcement?

20 MR. RIEGER: Object to the form of the  
21 question.

22 Go ahead and answer.

23 A. So this doesn't meet the requirement that we  
24 could order a remedy of removal because it doesn't  
25 address a fire safety hazard.



1                   My understanding in your question is that  
2 the property owner was refusing to comply.

3 Q.               I think perhaps I can clarify.

4                   The property owner in the hypothetical is  
5 not refusing to comply, but simply saying the term  
6 "biological sex" has absolutely no meaning whatsoever  
7 and, therefore, I don't even know what it is that you  
8 are contacting me about in terms of violation of this  
9 Act.

10                  MR. RIEGER: To the extent that clarification  
11 represents a new question in some different form, I  
12 will object to the form.

13                  But go ahead. Go ahead. Or continue your  
14 answer, whichever -- whichever it was.

15 A.               So I think the plain meaning of the text  
16 clearly says in several areas, either biological sex.  
17 We understand that typically to mean, especially when  
18 it says "unisex" or "single-occupant restroom," that it  
19 would be male or female. If that -- if a property  
20 owner does not consent that that's what that means, I  
21 think that we -- our office doesn't typically get into  
22 the business of arguing legal issues and legal  
23 interpretation with either property owners or  
24 licensees.

25                  If we were unable to obtain compliance with

1 any statute, we take appropriate remedy, up to and  
2 including in this instance, would be referring and  
3 would -- there are some matters that our office can't  
4 resolve that would have to be resolved through private  
5 litigation.

6 Q. Okay. And just to be clear. I understand  
7 that your earlier testimony was that the only way for  
8 SFMO to interpret "biological sex" as it appears in  
9 this Act is by relying on the business entity's own  
10 interpretation of the language in the Act?

11 MR. RIEGER: Object to the form.

12 Go ahead.

13 A. So, yes, the business entity sets a policy to  
14 determine who will use their facilities. In the  
15 context of non-unisex or non-single-occupant restrooms  
16 or family restrooms.

17 Q. Okay. Thank you.

18 Oh. Sorry. I didn't mean to interrupt. I  
19 wasn't sure if you were finished. Okay. I'm sorry.  
20 Okay.

21 So if we can move on to number --  
22 Defendants' response to Interrogatory No. 14, which is  
23 on page 13, specifically the sentence that reads, at  
24 the bottom of the paragraph: "If required to enforce  
25 the Act, the Department would rely on the language of

1 public restroom within the building or facility'  
2 because enforcement of the Act is enjoined."

3 But, "If required to enforce the Act, the  
4 Department would rely on the language of the Act and  
5 whether the facility or building posted a sign."

6 So my next question is -- you know what?  
7 We can strike that.

8 And, actually, we could just move on from  
9 that one because I've already asked.

10 So -- sorry. I'm just looking through my  
11 notes.

12 (PAUSE IN PROCEEDINGS.)

13 Q. (BY MS. PICASSO) Let's actually jump to  
14 No. 15 -- response to No. 15, the paragraph that -- or  
15 the sentence that reads: "Were no injunction in place,  
16 the SFMO would note on an inspection report whether a  
17 sign was posted . . ."

18 And I just want to know: So in this  
19 example, the inspector would arrive to conduct an  
20 inspection and then what would happen at that point?  
21 Once they're there conducting the inspection, what -- I  
22 guess, what would occur at that time?

23 MR. RIEGER: Object to the form.

24 Go ahead.

25 A. So as we stated earlier, the Act requires a

1 private entity or business that operates that facility  
2 to have a sign if their policy allows members of either  
3 biological sex to use the facility. The inspector  
4 would have noted if there was a sign present  
5 communicating that policy. And then if there was no  
6 sign, then the inspector would note that there was no  
7 sign and would draw the conclusion that there is no  
8 policy, because a business owner is required by law to  
9 either have the sign or not based on their policy.

10 Q. Okay. And in that same response, there's a  
11 sentence in the middle of the paragraph that says, "The  
12 inspectors would not have asked follow-up information  
13 from the property owner."

14 So does that mean that SFMO would not -- in  
15 the case where an inspector arrives at the facility,  
16 notes that there is no sign, that the inspector would  
17 not ask the business owner any additional information  
18 and would simply note the lack of sign?

19 I guess I'm trying to understand what "not  
20 asking any follow-up information from the property  
21 owner" means.

22 A. So --

23 MR. RIEGER: Object to the form.

24 Go ahead.

25 THE WITNESS: Sorry.

## AMENDMENT SHEET

I, the undersigned, JOYCE LEIGH FERGUSON, do hereby certify that I have read the foregoing deposition in the case of BONGO PRODUCTIONS vs. CARTER LAWRENCE and that, to the best of my knowledge, said deposition is true and accurate with the exception of the following corrections listed below:

## PAGE/LINE/REASON

14/17 / " ... where we are (not have) the authority... "  
 15/13/ strike '200' and replace with '300'

11/24/2022  
 Date

*Joyce Leigh Ferguson*  
 Signature of Witness

Sworn to and Subscribed before me, *Ann Jones*  
 this 24<sup>th</sup> day of January, 2022.

*Ann Jones*  
 Notary Public

*May 7, 2023*  
 My Commission Expires

